

REMARKS:**Claims 1-3, 7-9, 11, 14, 23 and 27**

Claims 1-3, 5-11, 14-19, 22-23 and 27 have been rejected under 35 USC 102(b) as being anticipated by Schlomka (EP0866464).

Claim 1 has been amended to require that at least a portion of the resiliently elastic material is wrapped around an outer periphery of the frame such that the resiliently elastic material encircles the outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. *See* Schlomka FIG. 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the amendments to claim 1 have introduced features not found in Schlomka, claim 1 is believed to be allowable.

Claims 2, 3, 7-9, 11 and 14 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 2, 3, 7-9, 11 and 14 are also believed to be allowable over Schlomka.

Claim 23 has been amended to require that the ribs do not encircle the electronic device. Support for this amendment is found in FIGS. 11 and 12. In sharp contrast, Schlomka's straps 40 wrap around the suspended object 21. *See* Schlomka FIG. 1. Because the amendments to claim 23 have introduced features not found in Schlomka, claim 23 is believed to be allowable.

Claim 27 depends from claim 23, and therefore incorporates the limitations of claim 23. Accordingly, claim 27 is also believed to be allowable over Schlomka.

Reconsideration and allowance of claims 1-3, 5-11, 14-19, 22-23 and 27 is respectfully requested.

Claims 1-11 and 23-24

HIT1P051/HSJ920030211US1

- 7 -

Claims 1-11 and 23-24 have been rejected under 35 USC 102(b) as being anticipated by Phillips et al. (US5823348).

Claim 1 has been amended to require that at least a portion of the resiliently elastic material is wrapped around an outer periphery of the frame such that the resiliently elastic material encircles the outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Phillips' straps 32 do not encircle the outer periphery of the frame 12. *See* Phillips FIGS. 1-3, 6 and 8. Because the amendments to claim 1 have introduced features not found in Phillips, claim 1 is believed to be allowable.

Claims 2-9 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 2-9 are also believed to be allowable over Phillips.

Claim 23 has been amended to require that the ribs do not encircle the electronic device. Support for this amendment is found in FIGS. 11 and 12. In sharp contrast, Phillips's straps 32 encircle the suspended object P. *See* Phillips FIGS. 1-3. Likewise, the straps 66 in Phillips FIG. 6 encircle the object being held. Because the amendments to claim 23 have introduced features not found in Phillips, claim 23 is believed to be allowable.

Claim 24 depends from claim 23, and therefore incorporates the limitations of claim 24. Accordingly, claim 24 is also believed to be allowable over Phillips.

Reconsideration and allowance of claims 1-11 and 23-24 is respectfully requested.

Claims 1-6, and 9

Claims 1-6 and 9 have been rejected under 35 USC 102(e) as being anticipated by Lofgren et al. (US6920981).

Applicants respectfully disagree that Lofgren anticipates claims 1-6, 9 and 15-17.

Claim 1 has been amended to require that at least a portion of the resiliently elastic material is wrapped around an outer periphery of the frame such that the

resiliently elastic material encircles the outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Lofgren's straps 20 do not encircle the outer periphery of the frame 12. *See* Lofgren FIG. 1. Because the amendments to claim 1 have introduced features not found in Lofgren, claim 1 is believed to be allowable.

Claims 2-6 and 9 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 2-6 and 9 are also believed to be allowable over Phillips.

Reconsideration and allowance of claims 1-6 and 9 is respectfully requested.

Claims 4, 12-13 and 24-26

Claims 4, 12-13 and 24-26 have been rejected under 35 USC 103(a) as being obvious over Schlomka.

The analysis of obviousness was set forth in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

First, there must be some *suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of the references. Second, there must be a *reasonable expectation of success*. Finally, the prior art reference or combined references must teach or suggest *all the claim limitations*. *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art*, and not based on applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991; emphasis added).

Applicants respectfully assert that the amendments to claims 1 and 23 overcome the rejection of claims 4, 12-13 and 24-26. Specifically, the modification proposed in the rejection would fail at least the third element of the *Graham* test as applied to claims 1 and 23 (as newly amended), and their dependent claims.

Regarding the third element of the *Graham* test, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See MPEP 2143.03.

Claim 1 has been amended to require that at least a portion of the resiliently elastic material is wrapped around an outer periphery of the frame such that the resiliently elastic material encircles the outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. See Schlomka FIG. 1. Because the amendments to claim 1 have introduced features not found or suggested in Schlomka, claim 1 is believed to be allowable.

Claims 4 and 12-13 depend from claim 1, and therefore incorporate the limitations of claim 1. By virtue of their dependence, claims 4 and 12-13 are also believed to be allowable. Reconsideration and allowance of claims 1, 4 and 12-13 is respectfully requested. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 23 has been amended to require that the ribs do not encircle the electronic device. Support for this amendment is found in FIGS. 11 and 12. In sharp contrast, Schlomka's straps 40 wrap around the suspended object 21. See Schlomka FIG. 1. Because the amendments to claim 23 have introduced features not found in nor suggested by Schlomka, claim 23 is believed to be allowable.

Claims 24-26 depend from claim 23, and therefore incorporate the limitations of claim 23. Accordingly, claims 24-26 are also believed to be allowable over Schlomka.

Reconsideration and allowance of claims 1, 4, 12-13 and 23-26 is respectfully requested.

Claims 12-22 and 25-27

Claims 12-22 and 25-27 have been rejected under 35 USC 103(a) as being obvious over Phillips in view of Schlomka.

Applicants respectfully assert that the amendments to claims 1, 15 and 23 overcome the rejection of claims 12-22 and 25-27. Specifically, the combination proposed in the rejection would fail at least the third element of the *Graham* test as applied to claims 1, 15, and 23 (as newly amended), and their dependent claims.

Claims 12-14 depend from claim 1. Claim 1 has been amended to require that at least a portion of the resiliently elastic material is wrapped around an outer periphery of the frame such that the resiliently elastic material encircles the outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. *See* Schlomka FIG. 1. Likewise, Phillips' straps 32 do not encircle the outer periphery of the frame 12. *See* Phillips FIGS. 1-3, 6 and 8. Because the amendments to claim 1 have introduced features not found or suggested in either Schlomka or Phillips or by a combination of the two, claim 1 is believed to be allowable.

Claims 12-14 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 12-14 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

Claim 15 has been amended to require that the elastic material is wrapped around at least a portion of the frame such that the elastic material encircles an outer periphery of the frame located therealong. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. *See* Schlomka FIG. 1. Likewise, Phillips' straps 32 do not encircle the outer periphery of the frame 12. *See* Phillips FIGS. 1-3, 6 and 8. Because the

amendments to claim 1 have introduced features not found or suggested in either Schlomka or Phillips or by a combination of the two, claim 15 is believed to be allowable.


Claims 16-22 depend from claim 15, and therefore incorporate the limitations of claim 15. Accordingly, claims 16-22 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

Claim 23 has been amended to require that the ribs do not encircle the electronic device. Support for this amendment is found in FIGS. 11 and 12. In sharp contrast, Schlomka's straps 40 wrap around the suspended object 21. *See Schlomka FIG. 1.* Similarly, Phillips's straps 32 encircle the suspended object P. *See Phillips FIGS. 1-3.* Likewise, the straps 66 in Phillips FIG. 6 encircle the object being held. Because the amendments to claim 23 have introduced features not found or suggested in either Phillips or Schlomka or by a combination of the two, claim 23 is believed to be allowable.

Claims 25-27 depend from claim 23, and therefore incorporate the limitations of claim 23. Accordingly, claims 25-27 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ920030211US1).

Respectfully submitted,

By: 
Dominic M. Kotab
Reg. No. 42,762

Date: 4/18/06

HIT1P051/HSJ920030211US1

- 12 -

APR. 18. 2006 2:31PM

ZILKA-KOTAB, PC

NO. 2632 P. 20

Zilka-Kotab, PC
P.O. Box 721120
San Jose, California 95172-1120
Telephone: (408) 971-2573
Facsimile: (408) 971-4660

HIT1P051/HSJ920030211US1

- 13 -